

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/607,130	06/27/2003	Gary Weatherspoon		5561	
75	590 03/31/2005		EXAM	INER	
Gary Weatherspoon			TANNER, HARRY B		
Weatherspoon I 2624 Wayside I		ART UNIT	PAPER NUMBER		
Richmond, VA			3744		
			DATE MAILED: 03/31/200	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)							
	10/607,130	WEATHERSPOON, GARY							
Office Action Summary	Examiner	Art Unit							
	Harry B. Tanner	3744							
The MAILING DATE of this communication app									
Period for Reply	/ 10 057 TO 5//DIDE - NOVELIA	(2) 55014							
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).							
Status									
1) Responsive to communication(s) filed on	_•								
2a) This action is <b>FINAL</b> . 2b) ⊠ This									
	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.							
Disposition of Claims		•							
4) Claim(s) 1-5 is/are pending in the application.		•							
	4a) Of the above claim(s) is/are withdrawn from consideration.								
5) Claim(s) is/are allowed. 6) Claim(s) <u>1-5</u> is/are rejected.	·	•							
7) Claim(s) is/are objected to.									
8) Claim(s) are subject to restriction and/or	election requirement.								
Application Papers		•							
9)☐ The specification is objected to by the Examine	•								
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.									
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).									
Replacement drawing sheet(s) including the correcti									
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.							
Priority under 35 U.S.C. § 119		•							
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:									
1. Certified copies of the priority documents have been received.									
<ul><li>2. Certified copies of the priority documents</li><li>3. Copies of the certified copies of the prior</li></ul>	•								
application from the International Bureau		iu in inis National Stage							
* See the attached detailed Office action for a list of	` ' ''	ed.							
Attachment(s)	🗖 .								
1) Motice of References Cited (PTO-892)  4) Interview Summary (PTO-413)  Paper No(s)/Mail Date									
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		atent Application (PTO-152)							
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This application is informal in the arrangement of the specification.

The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

## **Arrangement of Specification**

The following order or arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below.

- (a) Title of the Invention.
- (b) Cross-References to Related Applications (if any).
- (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
- (d) Background of the Invention.
  - 1. Field of the Invention
  - 2. Description of the Prior Art.
- (e) Summary of the Invention.
- (f) Brief Description of the Drawing.
- (g) Description of the Preferred Embodiment(s).
- (h) Claim(s).
- (i) Abstract of the Disclosure.

Applicant is advised as to how to arrange the content of the specification.

- (a) **Title of the Invention.** The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) Cross-References to Related Applications: if applicable.
- (c) Statement as to Rights to inventions made under Federally sponsored research and development: (if any).
- (d) **Background of the Invention:** The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions or the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) **Description of the Prior Art:** A description of the prior art known to the applicant and including, if applicable, references to specific prior art problems which are solved by the applicant's invention. This item may also be titled "Background Art."

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(e) Summary: A brief summary or general statement of the invention is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases, it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (f) **Brief Description of the Drawing(s):** A reference to and brief description of the drawing(s) as set forth in 37 C.F.R. § 1.74.
- (g) **Description of the Preferred Embodiment(s):** A description of the preferred embodiment(s) of the invention as required in 37 C.F.R. § 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (h) Claim(s): (See 37 C.F.R. § 1.75) A claim may be typed with the various elements subdivided in paragraph form. There may be plural indentations to further segregate subcombinations or related steps. The claim(s) must be in one sentence form only.
- (i) Abstract of the Disclosure.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly... claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are narrative in form and replete with

indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent cited.

The drawings are objected to because the drawings are not numbered and described in the specification and do not have reference numerals for the various elements shown in the drawing with corresponding description of the elements in the specification referenced using the numerals (see the cited patents as examples of proper drawings and use of reference numerals). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abevance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry B. Tanner whose telephone number is (571) 272-4813. The examiner can normally be reached 8:30 am to 6:00 pm Monday, Tuesday. Wednesday and Friday and 2:00 pm to 6:00 pm Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel, can be reached on (571) 272-4808. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Harry B. Tanner Primary Examiner

May B. Jann

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